

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/607,041	MEIRI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen Elmore	2185	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed October 3, 2005.
2. ☒ The allowed claim(s) is/are 1-5, 8-15, and 18-24, renumbered as 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

 10/16/2005  
**STEPHEN C. ELMORE**  
**PRIMARY EXAMINER**

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

In independent claims 1, 8, 11, 18 and 21 directed towards a method of and computer software for reading desired data from a remote storage device that receives chunks of data from an other storage device, a method of and computer software for a host coupled to a remote storage device to read desired data transmitted by a local storage device, and a data storage device that provides a desired chunk of data from a plurality of chunks of data from an other storage device, the following features taken in combination with the remaining limitations in the independent claims are not found in and or are not obvious in view of the prior art of record,

**Claim 1,**

"if the desired data is not part of a chunk of data committed by the other storage device, reading the desired data from a corresponding standard logical device" and "if the desired data is part of a chunk of data committed by the other storage device, transferring the desired data to the standard logical device and obtaining the desired data from one of: the standard logical device after transferring the desired data thereto and the chunk of data committed by the other storage device";

**Claims 8 and 18,**

"identifying (or identifies) a most recent and consistent set of data containing the desired data" and "wherein the chunk of data is assigned a sequence number that is less than a sequence number for other chunks of data containing other data that an other host computer started to write after starting to write the desired data";

**Claim 11,**

"executable code, in a computer readable medium, that reads the desired data from a corresponding standard logical device if the desired data is not part of a chunk of data committed by the other storage device" and "executable code, in a computer readable medium, that transfers the desired data to the standard logical device and obtains the desired data from one of: the standard logical device after transferring the desired data thereto and the chunk of data committed by the other storage device if the desired data is part of a chunk of data committed by the other storage

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device";

**Claim 21,**

"executable code, in a computer readable medium, that reads the desired data from at least one of the disks if the desired data is not part of a chunk of data committed by the other storage device" and "executable code, in a computer readable medium, that if the desired data is part of a chunk of data committed by the other storage device, transfers the desired data to at least one of the disks and obtains the desired data from one of: at least one of the disks after transferring the desired data thereto and the cache memory".

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Elmore whose telephone number is (571) 272-4436. The examiner can normally be reached on Mon-Fri from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**STEPHEN C. ELMORE**  
**PRIMARY EXAMINER**



**Computer Architecture - Memory Access & Control**

October 16, 2005